MESSAGE

OF

THE GOVERNOR OF PENNSYLVANIA,

RETURNING

WITH HIS OBJECTIONS,

THE

APPORTIONMENT BILL,

TOGETHER WITH

THE REPORT OF THE SELECT COMMITTEE

OF

THE HOUSE ON THE SUBJECT.

HARRISBURG:
J. M. G. LESCURE, PRINTER TO THE STATE.
1850.

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MESSAGE.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—The necessity for the present message is most sincerely regretted. The exercise of the negative power, vested in me by the Constitution, has been hitherto carefully avoided, under the impression, that its frequent and constant use was well calculated to impair the republican simplicity of a representative government.

To unite with cordiality in measures sanctioned by the Legislature, affecting the welfare of the people, would, at all times, afford me more pleasure than the adoption of a different policy.

When, however, it becomes necessary, in my judgment, to preserve the integrity of the Constitution, and to protect the rights of my fellow citizens, I should feel that the trust reposed in me by the sovereign people, was unfaithfully discharged, were I, under any circumstances, to shrink from just responsibility, or by any action of the Executive Department, permit the well established and revered principles of a representative republican government to be endangered, outraged or destroyed.

In a government founded upon the popular will, it is scarcely necessary to remark, that the very basis of its superstructure, is the right of the citizen to an equal voice and influence at the ballot box. The purity and equality of the elective franchise, and the equitable distribution of the favors and burthens of the State, constitute the life-giving principles—the spirit and strength of such government. The destruction of either may well be deemed an act of hostility to the best interests of society, and to the permanency of our institutions.

In all ages and governments, among civilized men, the infringement of the right of representation has caused the sturdiest and most justifiable opposition. Republican government ceases to exist, whenever these cherished rights are disregarded. In recognition of these admitted principles, the Constitution of this Commonwealth has pledged the constituted authorities to their defence and preservation.

Impressed with the correctness of these truths, I have felt it my duty to withhold my approval of bill, No. 330, of the General Assembly, entitled "An Act to fix the number of Senators and Representatives, and form the State into districts, in pursuance of the provisions of the Constitution."

It is due to the Legislature, and the people, that I should briefly state some of the reasons that have influenced me in this determination.

The bill is, in my judgment, unconstitutional, unjust, and defective in its details.

The Constitution requires, that in each "term of seven years an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law.—That the number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants *in each*—and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one Representative; but no county hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one Representative, agreeably to the ratio which shall then be established."

It further provides, that "the number of Senators shall, at the periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among

the districts formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-fourth, nor greater than one-third of the number of Representatives."

In its further provisions are found limitations of the power of the Legislature, in the formation of Senatorial districts. These provisions of the Constitution plainly indicate the manner in which the apportionment shall be made, and in direct terms declare, as the basis of representation, the taxable inhabitants of *each county*. They require the Legislature to fix the number of the members of the House of Representatives, and to determine the ratio or number of taxable inhabitants for each member, according to a septennial enumeration. Any departure from this standard or ratio must be a breach of the organic law, which guaranties to *each* county an equal representation according to the number of taxable inhabitants therein.

The ratio fixed in the bill is four thousand eight hundred and sixty-five taxable inhabitants for one member of the House of Representatives, and fourteen thousand seven hundred and forty-three taxable inhabitants for one Senator.

In the bill under consideration are found the following palpable objections, and violations of the ratio fixed upon by its own provisions.

1st. The county of Fayette contains seven thousand six hundred and eleven taxable inhabitants, and is allowed two members, being two thousand one hundred and nineteen taxables less than the number required by the ratio fixed by the Legislature. The county of Dauphin, with seven thousand six hundred and eighty-three taxable inhabitants, is allowed one member, with an unrepresented surplus of two thousand eight hundred and eighteen. Thus Dauphin county, with a larger population, more taxable inhabitants, and whose citizens bear a much larger proportion of the public burthens than the county of Fayette, has only *one-half* the influence and weight in the House of Representatives.

2d. Allegheny county, the great commercial and manufacturing district of western Pennsylvania, with twenty-eight thousand five hundred and forty-seven taxable inhabitants, is allowed five members, being one member to every five thousand seven hundred and nine taxable inhabitants, while the adjoining county of Westmoreland, with less variety of interests to protect, is allowed three members, on a tax list of eleven thousand six hundred and eighteen, being one member to every three thousand eight hundred and seventy-two taxables. In other words, to five thousand seven hundred and nine taxables in Allegheny county, is given the right to elect a member of the House of Representatives, while in Westmoreland county, three thousand eight hundred and seventy-two taxables have the same political influence. The unrepresented excess in Allegheny county, by the provisions of this bill, is four thousand two hundred and twenty-two taxables, being three hundred and fifty more taxables than the ratio fixed for Westmoreland county. I cannot believe that the honest yeomanry of Westmoreland county would desire this undue influence, in the assessment of taxes, over their fellow citizens of an adjoining county.

3d. Schuylkill county, whose citizens are largely engaged in mining, manufacturing and agricultural pursuits, has twelve thousand eight hundred and sixty-seven taxables, and is allowed *two* members, being six thousand four hundred and thirty-three taxables to a member, while to the adjacent county of Berks, with sixteen thousand two hundred and sixty-two taxables, is given *four* members, being four thousand and sixty-five taxables to a member. Upon what principle of equity this discrimination is made, I cannot perceive. Here we find four thousand and sixty-five taxables in one county, possessing the same authority to elect a member, that is given to six thousand four hundred and thirty-three taxables in an adjoining county.

4th. The county of Westmoreland has, as stated, *three* members, with eleven thousand six hundred and eighteen taxables. Schuylkill, with twelve thousand eight hundred and sixty-seven, has two members, and Lawrence and Butler, with eleven thousand nine hundred and fifteen, has two members. Here is exhibited the astounding fact, that in two districts, containing each a larger number of taxables than Westmoreland, there is given to *each a less* number of Representatives. Berks has sixteen thousand two hundred and sixty-two taxables, and is allowed four members, whilst Schuylkill

and Butler and Lawrence, with twenty-four thousand seven hundred and eighty-two taxables, are allowed no greater number. If the Constitution can be construed to inflict such flagrant wrongs, the liberties of the people are no longer secure under its provisions.

5th. The county of Crawford, with eight thousand one hundred and thirty taxables, is allowed two members, while the adjoining county of Erie, with eight thousand four hundred and thirty-four taxables, is allowed only *one* member.

6th. The counties of Allegheny, Butler, Lawrence, Dauphin, Erie and Schuylkill, with sixty-nine thousand four hundred and forty-six taxable inhabitants, are allowed *eleven* members, while the counties of Columbia, Sullivan, Fayette, Westmoreland, York and Mifflin, with forty-two thousand nine hundred and fifty taxables, are allowed *eleven* members. Here is exhibited an instance, wherein the voice and influence of twenty-six thousand four hundred and ninety-six of the freemen of the State, are unheard and unfelt in the popular branch of the Legislature. By the ratio fixed in the bill, the first named counties would be entitled to fourteen members, and the last named counties to less than nine members.

7th. The counties of Adams, Allegheny, Butler, Lawrence, Beaver, Dauphin, Delaware, Erie, Indiana, Lebanon, Philadelphia city, Somerset, Union and Lancaster, with an aggregate of one hundred and forty thousand two hundred and ninety four taxables, are allowed *twenty five* members; whilst the counties of Columbia, Sullivan, Crawford, Fayette, Monroe, Wayne, Pike, Mercer, Venango, Warren, Mifflin, Montgomery, Susquehanna, Wyoming, Westmoreland, York, Tioga, Elk, M'Kean and Clearfield, with an aggregate of one hundred and five thousand two hundred and eighty taxables, are given the same number.

In the assessment of taxes, and the appropriation of the public moneys, the wrong inflicted on these partially disfranchised counties, is readily perceivable.

The instances of inequality and injustice in the bill, similar to those mentioned, are so numerous, that a further examination and expose of them would seem a waste of time. In this inequality of representation, and disregard of the ratio fixed by the Legislature, there is a violation of the spirit and letter of the Constitution.

The district composed of the counties of Clearfield, M'Kean and Elk, presents an instance wherein counties, erected since the adoption of the Constitution, are given a separate representation on a less number of taxables, than the ratio number fixed by the Legislature.

The formation of Representative districts by the union, unnecessarily, of several counties, is well calculated to remove the just responsibility that the Representative owes to the constituent, and to prevent the popular voice of some of the counties being heard in the Legislature. This anti-republican feature ought to be avoided. The district composed of Armstrong, Clarion and Jefferson, exhibits the following facts:

The Representative ratio is four thousand eight hundred and sixty-five—the county of Clarion has five thousand and eighty-seven taxables, entitling it to a member, with a very small excess. The counties of Armstrong and Jefferson have eight thousand seven hundred and eight taxables, being proportionably a much larger number of taxables for two members, than is required by this bill for the counties of Fayette, Westmoreland, Berks or Crawford. The interests of these counties may be similar, and to that extent no wrong is perpetrated, but in the event that either county should have separate or conflicting local interests, the rights and wishes thereof must not only be unheard, but disregarded. The same remarks apply to the districts composed of Cumberland, Perry and Juniata; and Mercer, Venango and Warren.

In the arrangement of the Senatorial districts, the same disregard of the ratio fixed by the bill, and of the rights of the taxable inhabitants, is exhibited.

1st. To the district composed of the counties of Tioga, Elk, M'Kean and Potter, with eight thousand six hundred and seventy-three taxables, is given *one* Senator; while to the district composed of the county of Lancaster, with twenty-two thousand eight hundred and forty-three taxables, is given *one* Senator. The district first named, falls short of the ratio fixed by the Legislature six thousand and seventy, whilst the last named district exceeds the ratio eight thousand one hundred taxables. Lancaster

county, with fourteen thousand one hundred and seventy one taxables more than the counties first named, is allowed no more influence on the floor of the Senate.

2d. The counties of Lancaster, Chester and Delaware, are allowed two Senators; the taxables therein are forty-two thousand eight hundred and eighty, thus requiring twenty-one thousand four hundred and forty taxables to elect a Senator, whilst the counties of Tioga, Potter, M'Kean, Elk and Erie, are allowed two Senators, with seventeen thousand one hundred and seven taxables, thus requiring only eight thousand five hundred and fifty-three taxables, in those counties, to elect a Senator.

3d. The counties of Crawford, Mercer, Venango, Warren and Jefferson are united, and allowed two Senators, although the number of their taxables only exceeds that of the county of Lancaster two thousand, and falls short of the taxables in Lancaster, Chester and Delaware eighteen thousand and twenty-nine, a difference and inequality greater than the ratio fixed by the Legislature for a Senator.

The number of taxables in the eighteenth, nineteenth and twentieth districts is forty-one thousand nine hundred and fifty-eight. To these districts, this bill gives *four* Senators, while to the fourth and seventh districts, with forty-two thousand eight hundred and eighty taxables, is given only *two* Senators.

It is not perceived upon what principle of propriety the system of double districts is adopted. In the formation of the nineteenth district, which largely lacks the number of taxables required by the ratio for two Senators, the county of Jefferson, with two thousand six hundred and twenty-two taxables, is included, while the county of Clarion, with five thousand and eighty-seven taxables, and more eligibly located, as contiguous and adjoining territory, is rejected. From this fact it is manifest that this double district was created with no view of representing fractions, or approximating to the ratio fixed by the bill. It may well be deemed an act of hasty and improvident legislation.

The counties of Crawford and Erie; or Crawford, Venango and Warren; of Mercer, Venango and Clarion; of Erie, Warren and Venango, would all appear well located for single districts.

The transposition of the counties of Clarion and Jefferson from the districts formed by the present bill, would make both districts approach much nearer the ratio adopted by the Legislature, provided this system of double districts cannot be avoided. The peculiar local interests, and number of taxables in the counties embraced in the fifth and twenty-fourth districts, would not appear to demand the combinations made by this bill, and which are so likely to remove the direct and just responsibility of the Representative to his constituents.

The fourth district is formed of Chester and Delaware counties. The county of Chester alone is entitled, by the number of her taxables, according to the ratio fixed, to a Senator, yet the county of Delaware, with five thousand two hundred and sixty-seven taxables, is unnecessarily added to form said district, whilst the county of Montgomery, adjoining to Delaware, with less than the requisite number of taxables, is allowed a Senator.

The counties composing the second, fourth, seventh, ninth, thirteenth, sixteenth, seventeenth, twenty-first, twenty-fourth, twenty-fifth and twenty-sixth districts, contain two hundred and forty-three thousand six hundred and seventy-seven taxable inhabitants, being *more than the one-half* of the taxables in the whole State, and are allowed by this bill fourteen Senators, whilst the remaining districts, containing two hundred and forty-three thousand and fifty-two taxables, or *less than one half* of the taxables in the Commonwealth, are allowed nineteen Senators. This result exhibits a wrong that cannot be sanctioned by my co-operation.

I have caused to be prepared, and invite attention to the tabular statement annexed to the message. It will furnish, in a succinct form, an analysis of the bill herewith returned.

I have heretofore urged upon the Legislature the propriety of giving to important public measures early attention. I regret that the duty of apportioning the State has been delayed to so late an hour of the session, thereby precluding that consideration

by a co-ordinate branch of the government, which its importance demands, and which the present bill convinces me it did not receive at the hands of the Legislature.

With the sincere desire of expediting your labors by an early return of this bill, I I have devoted my time to its consideration, since its presentation to me for examination.

I cannot believe that the Representatives of the people, or any of them, would designedly inflict wrong upon a part of their fellow citizens. I feel that the spirit of justice and fair dealing, that so largely marks the character of our common constituency, would frown indignantly upon all attempts to disfranchise any portion of the citizens. I know that the people will denounce any and every encroachment, as they have always heretofore done, that may be contemplated against the liberty and equal rights of the citizens.

The bill is returned to the House of Representatives in which it originated.

WM. F. JOHNSTON.

EXECUTIVE CHAMBER,
HARRISBURG, *April* 9, 1850.

TABULAR STATEMENT.

DISTRICTS.	No. of Senators	Ratio.	No. of taxables.	Excess.	Deficit.	Am't of State tax.	No. of scholars.	Am't of school app'n for '50.
1. Philadelphia city,	2	29,486	22,730		6,756	$407,909 60	no returns	$26,395 80
2. Philadelphia county,	3	44,229	54,554	10,325		48,556 89	7,127	5,347 63
3. Montgomery,	1	14,743	13,516		1,227	90,379 42	16,952	7,579 26
4. Chester and Delaware,	1		20,036	5,293		90,274 65	9,904	12,023 25
5. Berks and Schuylkill,	2	29,486	29,129		357	50,905 46	7,981	5,155 75
6. Bucks,	1	14,743	13,151		1,592	88,573 97	16,583	8,418 94
7. Lancaster,	1		22,844	8,101		50,790 67	11,650	5,322 21
8. Lebanon and Dauphin,	1		13,391		1,352	64,877 55	12,088	6,313 59
9. Northampton and Lehigh,	1		16,194	1,451		14,845 79	9,549	4,483 76
10. Carbon, Monroe, Pike and Wayne,	1		12,100		2,643	49,155 88	16,279	6,113 10
11. Adams and Franklin,	1		14,005		738	30,666 57	6,615	5,774 03
12. York,	1		13,060		1,083	37,847 17	18,091	6,584 19
13. Cumberland, Perry and Juniata,	1		15,121	378		46,348 68	13,003	6,095 47
14. Huntingdon, Union and Mifflin,	1		13,831		1,362	30,170 25	12,558	5,421 84
15. Lycoming, Clinton, North'd and Sullivan,	1		13,158		1,585	27,865 64	16,131	7,243 47
16. Luzerne and Columbia,	1		17,619	2,876		21,016 00	21,538	6,658 81
17. Bradford, Susquehanna and Wyoming,	1		16,827	2,084		7,630 83	10,299	3,253 76
18. Tioga, Potter, M'Kean and Elk,	1		8,673		6,070			
19. Venango, Crawford, Mercer, Warren and Jefferson,	2	29,486	24,851		4,635	30,770 34	31,369	10,880 99
20. Erie,	1	14,743	8,434		6,309	10,879 72	10,323	3,219 73
21. Butler, Beaver and Lawrence,	1		17,658	2,915		20,711 48	15,634	5,781 00
22. Allegheny,	2	29,486	28,547		939	55,780 58	16,450	9,475 51
23. Washington and Greene,	1	14,743	14,476		267	33,163 59	11,302	5,799 86
24. Westmoreland, Somerset, Bedford & Fayette,	2	29,486	30,439	953		49,894 70	35,281	12,247 11
25. Armstrong, Indiana and Clarion,	1	14,743	16,703	1,960		19,088 51	17,427	6,902 76
26. Centre, Clearfield, Cambria and Blair,	1		15,684	941		32,017 61	17,417	6,477 84

TABULAR STATEMENT.

DISTRICTS.	No. of Rep.	No. of taxables required	No. of taxables.	Excess	Deficit.	Am't of State tax.	No. of scholars.	Am't of school app'n for '50.
Adams,	1	4,865	5,619	754		$12,464 05	6,606	$2,446 47
Allegheny,	5	24,325	28,547	4,222		55,780 58	16,450	9,475 51
Bedford and Cambria,	2	9,730	9,928	198		10,126 13	11,895	4,125 83
Berks,	4	19,460	16,262		3,200	66,686 48	4,072	6,824 45
Bucks,	3	14,595	13,151		1,444	50,905 46	7,981	5,155 75
Butler and Lawrence,	2	9,730	11,915	2,185		7,437 35	6,747	2,784 72
Blair and Huntingdon,	2	9,730	9,766	36		28,345 87	9,867	4,105 03
Bradford,	2	9,730	8,569		1,161	11,023 05	10,748	3,418 99
Beaver,	1	4,865	5,743	878		13,274 13	8,887	2,996 28
Chester,	3	14,595	14,769	174		65,649 51	13,119	5,537 05
Cumberland, Perry and Juniata,	3	14,595	15,121	526		37,847 17	18,091	6,584 19
Centre,	1	4,865	4,946	81		14,539 65	5,536	2,068 86
Clearfield, Elk and M'Kean,	1	4,865	4,729		136	4,777 89	4,473	1,814 25
Clarion, Armstrong and Jefferson,	3	14,595	13,795		800	13,399 45	14,247	5,477 19
Columbia and Sullivan,	2	9,730	7,490		2,240	14,906 33	7,565	3,013 70
Crawford,	2	9,730	8,130		1,600	8,251 92	11,025	3,261 14
Dauphin,	1	4,865	7,683	2,818		27,451 99	8,213	2,579 31
Delaware,	1	4,865	5,267	402		24,729 91	3,833	2,042 21
Erie,	1	4,865	8,434	3,569		10,879 82	10,323	3,219 73
Fayette,	2	9,730	7,611		2,119	15,127 80	7,284	3,022 93
Franklin,	2	9,730	8,386		1,344	35,207 46	9,573	3,666 63
Indiana,	1	4,865	5,530	665		7,798 18	6,566	2,371 85
Lycoming, Clinton and Potter,	2	9,730	9,080		650	18,003 45	8,723	3,726 49
Lebanon,	1	4,865	5,708	843		23,338 68	3,437	2,742 90
Lancaster,	5	24,325	22,844		1,481	88,573 97	16,583	8,418 94
Luzerne,	2	9,730	10,898	1,168		13,654 17	9,279	4,483 76
Lehigh and Carbon,	2	9,730	11,028	1,298		30,329 91	6,215	4,123 78
Monroe, Pike and Wayne,	2	9,730	8,358		1,372	9,747 23	7,474	3,172 99
Mercer, Venango and Warren,	3	14,595	14,099		596	20,403 30	16,958	6,673 57

TABULAR STATEMENT—*Continued.*

DISTRICTS.	No. of Rep.	No. of taxables required	No. of taxables.	Excess	Deficit.	Am't of State tax.	No. of scholars.	Am't of school app'n for '50.
Mifflin,	1	4,865	3,172		1,693	$12,531 54	3,208	$1,352 18
Montgomery,	3	14,595	13,516		1,079	48,556 89	7,127	5,347 63
Northampton,	2	9,730	8,908		822	39,646 20	7,957	3,500 58
Northumberland,	1	4,865	4,655		210	13,227 95	4,552	1,827 78
Philadelphia city,	4	19,460	22,730	3,270		407,909 60	no returns.	26,395 80
Do. county,	11	53,515	54,554	1,039				
Somerset,	1	4,865	4,924	59		7,919 67	5,829	2,044 67
Schuylkill,	2	9,730	12,867	3,137		23,588 17	5,842	5,198 80
Susquehanna and Wyoming,	2	9,730	8,258		1,472	9,992 95	10,790	3,239 82
Tioga,	1	4,865	5,237	372		3,447 41	7,157	2,017 20
Washington and Greene,	3	14,595	14,476		119	33,163 59	11,302	5,799 86
Westmoreland,	3	14,595	11,618		2,977	19,146 44	12,428	4,450 96
Union,	1	4,865	5,350	485		18,123 89	4,893	2,535 85
York,	3	14,595	13,060		1,535	30,666 57	6,615	5,774 03

REPORT.

Mr. Porter, from the select committee to whom was referred the message of the Governor, returning with his objections, to the House, the bill, entitled "An Act to fix the number of Senators and Representatives, and form the State into districts," in pursuance of the provisions of the Constitution, together with the documents accompanying the same, made the following report:

That the constitutional provision in relation to the apportionment of Senators and Representatives, according to the enumeration of taxable inhabitants, never has been literally carried out, so as to give to each Senatorial and Representative district, a representation according to the precise number of taxables, because it is impossible to do so. All that can be attained is a reasonable approximation to it.

In regard to Senators the Constitution provides, (Article 1, Section 7,) "the Senators shall be chosen in districts to be formed by the Legislature; but no district shall be so formed as to entitle it to elect more than two Senators, unless the number of taxable inhabitants in any city or county shall at any time entitle it to elect more than two. But no city or county shall be entitled to more than four Senators. When a district shall be composed of two or more counties, they shall be adjoining; neither the city of Philadelphia nor any county shall be divided in forming a district."

The spirit of the Constitution would also impress upon us the propriety of applying the same rule, as to the adjacency of counties in representative districts, as well as the impropriety of dividing any county in forming such districts. This, too, has been the uniform practice since the adoption of the Constitution.

Counties usually desire separate representation in each branch of the Legislature, where the number of taxables will warrant it. Those that have a surplus would usually prefer to have that surplus unrepresented rather than have other counties attached to them. Where counties are so attached, this principle is most usually carried out in practice, for each county has its own member, nearly as certainly as it would have, if they constituted separate districts.

In examining the bill passed at the present session and returned with the Executive objections, we find the following results:

In the following Senatorial districts there are deficits in the number of taxables to entitle them to the Senators given, viz:

Districts.	Taxables.	
1. City of Philadelphia, - - - - -	6,756	
6. Bucks county, - - - - - -	1,592	
8. Dauphin and Lebanon, - - - - -	1,352	
11. Franklin and Adams, - - - - -	738	
14. Huntingdon, Union and Mifflin, - - - -	1,362	
20. Erie county, - - - - - -	6,309	
22. Allegheny, - - - - - -	939	
		19,048
Carried forward,		19,048

	Brought forward,		19,048
	Districts.	Taxables.	
3.	Montgomery county, - - - - - -	1,227	
5.	Berks and Schuylkill, - - - - -	357	
10.	Carbon, Monroe, Pike and Wayne, - - -	2,643	
12.	York, - - - - - - -	1,683	
15.	Lycoming, Clinton, Northumberland and Sullivan, -	1,585	
18.	Tioga, Potter, M'Kean and Elk, - - - -	6,079	
19.	Venango, Crawford, Mercer, Warren and Jefferson, -	4,635	
23.	Washington and Greene, - - - - -	267	
			18,476
	Shewing a deficit in numbers in the first set of districts, beyond that in the latter set of districts of - - - - - -		572

In the following Senatorial districts there are excesses, (or fractions over,) in the number of taxables beyond what was necessary to entitle them to the Senators given in the said bill, viz :

	Districts.	Taxables.	
2.	County of Philadelphia, - - - - -	10,325	
9.	Northampton and Lehigh, - - -	1,451	
13.	Cumberland, Perry and Juniata, - - - -	378	
16.	Luzerne and Columbia, - - - - -	2,876	
17.	Bradford, Susquehanna and Wyoming, - - -	2,084	
24.	Westmoreland, Somerset. Bedford and Fayette, - -	953	
25.	Armstrong, Indiana and Clarion, - - - -	1,960	
26.	Centre, Clearfield, Cambria and Blair, - - -	941	
			19,968
4.	Chester and Delaware, - - - - -	5,292	
7.	Lancaster, - - - - - -	8,101	
21.	Butler, Beaver and Lawrence, - - - -	2,915	
			16,309
	Shewing an excess or fractions over, in the first set of the last enumerated districts, over the last set of the same, of - - - -		3,659

In these results the Executive has surely no cause to complain that any injustice has been done to his own political party ; for they have the advantage of four thousand two hundred and thirty-one taxables over their political opponents, if the districts, as above arranged, designate the ascendency of their respective parties correctly.

There are certain principles which should not be lost sight of in the arrangement of an apportionment bill.

Where there is an excess in the Senatorial apportionment, it ought to be, as far as practicable, made up or balanced in the Representative apportionment, and vice versa. The same rule should be observed with regard to deficits in either branch. This tends to equalize the representation, where the precise number cannot be had.

Again, where there has been a large surplus over the representation allowed in a former apportionment bill, in one district or county, and a similar deficit in another, these circumstances should always be considered in the next apportionment bill. A bill may, therefore, on its face appear unequal, when if examined in connection with the foregoing considerations, it may be perfectly fair and right.

A proper application of these principles to the bill in question will essentially answer the Executive objections to the alleged inequalities in Dauphin, Columbia, Fayette and Westmoreland counties.

In 1835 Dauphin had	5,508	taxables.	The ratio was	3,057—2	members.	Deficit,	606
1842 "	6,652	"	" "	3,876—2	"	"	1,100
1849 "	7,685	"	The ratio is	4,865—1	"	Excess,	2,820
1835 Columbia had	4,818	"	Ratio,	3,057—1	"	"	1,761
1842 "	5,644	"	"	3,876—1	"	"	1,778
1849 Columbia	6,721	"	"	4,865—2	"	Deficit,	2,240
Sullivan	769						
	7,490						

Dauphin and Lebanon, in the bill returned, constitute a Senatorial district, which, as has been shown, falls short of the Senatorial apportionment by one thousand three hundred and fifty two taxables; and Fayette and Westmoreland, which, in the same bill, constitute a Senatorial district, have an excess of nine hundred and fifty-three, and Luzerne and Columbia of two thousand eight hundred and seventy-six.

The great republican party has never had occasion to do wrong to preserve its ascendency. The bill in question does their political opponents no such wrong.

The subject on which the Executive, in his message, seems to dwell throughout that document, as the basis of his objections, is the alleged inequality of the representation in certain districts. This, as shown by the foregoing tables, has no force, so far as the Senatorial districts are concerned, and the annexed tables will show that there is little force in his objections to the Representative districts, when properly considered.

We will not characterize the attempt of the Executive to sustain his position, by taking one county in one part of the State and another county in another, and adding together the excess or deficits, as disingenuous, but it is reasoning from false and partial premises, and is calculated, if not intended, to make an improper impression upon the mind as to the bearing of the bill. Counties cannot be joined for Senatorial or Representative purposes on the principle of elective affinity. They must be arranged according to territorial adjacency.

The supposition that there is any thing in the bill on which to found a constitutional objection, is wholly groundless.

The Constitution of 1790 provides, that "each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one Representative, agreeably to the ratio which shall then be established." This constitutional provision is still in existence, according to the terms of the existing Constitution, and embraces within it the counties of Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, Westmoreland, Washington, Fayette, Franklin, Montgomery, Dauphin, Luzerne, Huntingdon, Allegheny, Mifflin and Delaware. We find that the Executive alleges as a constitutional objection to the bill, that Mifflin county (which was erected in 1789) should have a Representative given to it, with less than the established ratio. We think this objection was made without a proper consideration of the constitutional provision last quoted. In the judgment of this committee, an omission to give to that county the member in question, would have been a violation of the Constitution.

In the objections taken to the apportionment in Crawford and Erie, the Executive has not referred to the fact, that all that Erie loses in Representatives is more than made up to that county in the Senator. In regard to the excess in Chester and Delaware counties, the fact is beyond all dispute, that the Representative from that district, who was a member of the apportionment committee, proposed their arrangement in one district, and the Senator advocated it in the Senate. And if the number of taxables in the city of Philadelphia and the counties of Delaware, Chester and Lancaster, are added together, they will be found to amount to sixty-five thousand six hundred and ten. The bill gives them four Senators, at a ratio of sixteen thousand four hundred and two, while the county of Philadelphia, with fifty-four thousand five hundred

and thirty-four, has three Senators, at a ratio of eighteen thousand one hundred and fifty-four.

We have yet to learn that the amount of tax paid by any county, as intimated in the message in question, and attempted to be sustained by the schedules of taxes in each county, and the appropriations to school taxes annexed thereto, is the criterion by which the representation from such county should be regulated. That would be to give *property* a preponderating influence, which, in a Republican government, would tend to counteract the sacred principle, that all *men* are created equal and are entitled to equal rights, whether rich or poor.

It is unnecessary to follow the message through all its details. In the opinion of this committee, it does not place before the public a fair or candid view of the principles embraced in the bill, and it has failed to satisfy a large majority of this House of the correctness, either of the statements made in it, or even of the deductions made from those statements, partial as they are.

To avoid any real or supposed constitutional difficulties, the bill in question, in no instance, gave to any county erected since 1790, a Representative, without the full number of taxables constituting the ratio. Hence, in all such cases, those counties with less than the ratio are attached together, where adjoining, in order to give to each district the full number required. If this union of adjacent counties, brought about to fulfil the constitutional injunction, should even involve difficulties growing out of alleged conflicting local interests, which is not admitted, the Legislature is not responsible for this result. If they were, this, at best, would occasion but slight inconvenience.

The committee subjoin an abstract of the two last apportionment bills—the first made in 1836, when the party, now in the minority in the Legislature, had the political control of the Commonwealth, both in the Executive and legislative departments. The other, when the Democratic Republican party had that political control, having with them also the clear majority of the people. These are so annexed and made part of this report, not so much to exhibit the gross injustice practiced in the first of these laws, by a Legislature and Executive elected by a minority of the people, as to show that those who now complain about not adhering to the exact ratio, neither found it possible to do so, when they were in power, nor where it was possible, did they attempt to do it. The second is given to show that when more honest principles governed the State councils, those who really sought to conform to the spirit of the Constitution, were unable to carry it out literally. On reference to each preceding enumeration and apportionment, the apportionment proposed in the bill now objected to, will fairly compare with them, as accomplishing a substantial compliance with the constitutional provision. It gives to each portion of the State a representation approximating, as nearly as could well be accomplished, to the ratio, which is all that the Constitution intended to require, and all that ever can be accomplished.

This House refused to print any copies of the message containing the Executive objections, being unwilling that such a commentary as it is on the action of the Legislature, should go forth, under the sanction of their authority, without carrying its refutation along with it. They are perfectly willing to give it the broadest circulation, accompanied by the exposition of its fallacies, that the public may judge for themselves.

Resolved, That copies in English, and copies in German of the said message, together with this report, be printed for the use of the members.

Senatorial Apportionment, made in 1836.—*Ratio* 9,256.

Districts.	No. of Senators.	Counties in District.		Taxables.	Excess.	Deficit.
1	2	City of Philadelphia,		18,449		63
2	3	County do.		31,398	3,630	
3	3	Montgomery,	9,773			
		Chester,	11,682			
		Delaware,	3,900			
				25,355		2,413
4	1	Bucks,		10,450	1,194	
5	1	Berks,		11,743	2,487	
6	3	Lancaster,	16,583			
		York,	9,559			
				26,142		1,626
7	1	Dauphin,	5,508			
		Lebanon,	4,410			
				9,918	662	
8	2	Perry,	2,942			
		Mifflin,	2,411			
		Juniata,	2,065			
		Union,	4,353			
		Huntingdon,	6,102			
				17,873		639
9	1	Columbia,	4,818			
		Schuylkill,	4,700			
				9,518	262	
10	1	Lehigh,	5,355			
		Northampton,	9,211			
				14,566	5,310	
11	1	Luzerne,	6,083			
		Monroe,*				
		Wayne,	2,120			
		Pike,	937			
				9,130		126
12	1	Lycoming,	4,396			
		Centre,	4,705			
		Northumberland,	3,933			
				13,034	3,778	
13	1	Bradford,	4,721			
		Susquehanna,	3,592			
				8,313		943
14	2	Franklin,	7,060			
		Cumberland,	6,047			
		Adams,	5,167			
				18,274		238
15	1	Bedford,	4,712			
		Somerset,	3,639			
				8,451		805

* Note.—The county of Monroe was cut off Northampton after the enumeration was made. It is supposed to have had about 1,900 taxables. Taking this number off the tenth district, would leave the excess in it above the ratio of 3,400, and adding it to the eleventh, would make the excess in it 1,774. In the two districts together the excess was 5,184.

Senatorial Apportionment, made in 1836.—*Ratio,* 9,256.—*Continued.*

Districts.	No. of Senators.	Counties in District.		Taxables.	Excess.	Deficit.
16	1	Westmoreland,		8,223		1,033
17	1	Washington,		8,470		786
18	1	Fayette,	6,094			
		Greene,	3,347			
				9,441	815	
19	2	Allegheny,	13,684			
		Butler,	4,322			
				18,006		506
20	1	Beaver,	5,314			
		Mercer,	5,196			
				10,510	1,254	
21	1	Crawford,	5,164			
		Erie,	6,082			
				11,246	1,990	
22	1	Jefferson,	902			
		M'Kean, (supposed,)	800			
		Potter,	556			
		Tioga,	2,585			
		Venango,	3,014			
		Warren,	1,600			
				9,457	201	
23	1	Indiana,	3,193			
		Armstrong,	4,553			
		Cambria,	1,912			
		Clearfield,	1,395			
	—			11,053	1,797	
	33					

Representative enumeration, made in 1836.—*Ratio* 3,057.

Counties composing Districts.		Taxables.	No. of members.	Excess.	Deficit.
Adams,		5,167	2		937
Allegheny,		13,684	4	1,456	
Armstrong,		4,553	1	1,496	
Beaver,		5,314	2		800
Bedford,		4,712	2		1,402
Berks,		11,743	4		485
Bradford,		4,721	1	1,664	
Bucks,		10,450	3	1,279	
Butler,		4,322	1	1,265	
Crawford,		5,164	2		950
Centre,		4,705	1	1,648	
Chester,		11,682	4		546
Columbia,		4,818	1	1,761	
Cumberland,		6,047	2		67
Dauphin,		5,508	2		606
Delaware,		3,900	1	843	
Erie,		6,082	2		32
Franklin,		7,060	2	946	
Fayette,		6,094	2		20
Greene,		3,347	1	290	
Huntingdon,		6,102	2		12
Indiana,		3,193	1	136	
Jefferson,	902				
Warren,	1,600				
M'Kean, (supposed,)	800				
		3,302	1	245	
Potter,	556				
Tioga,	2,585				
		3,141	1	84	
Juniata,	2,065				
Mifflin,	2,411				
Union,	4,353				
		8,829	3		342
Lancaster,		16,583	6		1,759
Lebanon,		4,410	1	1,353	
Lehigh,		5,355	2		759
Luzerne,		6,083	2		31
Lycoming,	4,396				
Clearfield,	1,395				
		5,791	2		323
Mercer,		5,196	2		918
Montgomery,		9,773	3	602	
Northampton and Monroe,		9,211	3	40	
Northumberland,		3,933	1	876	
Wayne,	2,120				
Pike,	937				
		3,057	1		
Susquehanna,		3,592	1	535	
City of Philadelphia,		18,449	7		2,950
County of Philadelphia,		31,398	8	6,942	
Perry,		2,942	1		115
Somerset,	3,639				
Cambria,	1,912				
		5,551	2		563
Schuylkill,		4,700	1	1,643	
Venango,		3,014	1		43
Washington,		8,470	3		701
Westmoreland,		8,223	2	2,109	
York,		9,559	3	388	
			100		

Senatorial Apportionment in 1843.—*Ratio*, 11,746.

Districts.	No. of Senators.	Counties in District.		Taxables.	Excess.	Deficit.
1	2	City of Philadelphia,		17,559		5,933
2	3	County do.		33,562		1,676
3	1	Montgomery,		11,697		49
4	1	Chester,	13,433			
		Delaware,	4,462			
				17,895	6,149	
5	1	Berks,		13,701	1,955	
6	1	Bucks,		12,027	281	
7	2	Lancaster,	18,967			
		Lebanon,	4,901			
				23,868	376	
8	1	Schuylkill,	4,700			
		Carbon, (supposed,)	2,000			
		Monroe,	2,374			
		Pike,	889			
				9,963		1,783
9	1	Northampton, (less Car'n,)	7,604			
		Lehigh,	6,175			
				13,779	2,033	
10	1	Susquehanna,	4,940			
		Wayne,	3,078			
		Wyoming,	1,540			
				9,558		2,188
11	1	Bradford,	7,197			
		Tioga,	4,091			
				11,288		458
12	1	Lycoming,	5,101			
		Clinton,	2,019			
		Centre,	4,484			
				11,604		142
13	1	Luzerne,	7,651			
		Columbia,	5,644			
				13,295	1,549	
14	1	Northumberland,	4,472			
		Dauphin,	6,652			
				11,114		632
15	1	Mifflin,	3,122			
		Juniata,	2,459			
		Union,	5,053			
				10,634		1,112
16	1	Perry,	3,989			
		Cumberland,	6,477			
				10,466		1,280
17	1	York,		10,698		1,048
18	1	Franklin,	7,766			
		Adams,	5,212			
				12,978	1,232	
19	1	Huntingdon,	7,430			
		Bedford,	6,763			
				14,193	2,447	

Senatorial Apportionment in 1843.—*Ratio*, 11,746.—*Continued.*

Districts.	No. of Senators.	Counties in District.		Taxables.	Excess.	Deficit.
20	1	Clearfield,	2,236			
		Indiana,	4,538			
		Cambria,	2,433			
		Armstrong,	4,398			
				13,605	1,859	
21	1	Westmoreland,	10,353			
		Somerset,	4,428			
				14,781	3,035	
22	1	Fayette,	7,008			
		Greene,	4,277			
				11,285		461
23	1	Washington,		9,079		2,667
24	2	Allegheny,	18,610			
		Butler,	5,335			
				23,945	453	
25	1	Beaver,	6,670			
		Mercer,	7,356			
				14,026	2,280	
26	1	Crawford,	7,516			
		Venango,	3,157			
				10,663		1,083
27	1	Erie,		7,285		4,461
28	1	Warren,	2,593			
		Jefferson,	1,789			
		Clarion,	3,311			
		M'Kean,	1,089			
		Potter,	681			
				9,463		2,283

Representative enumeration made in 1843.—*Ratio*, 3,876.

Counties composing Districts.		Taxables.	No. of Members.	Excess.	Deficit.
Adams,	5,212	1	1,336		
Allegheny,	18,610	4	3,106		
Armstrong,	4,398	1	522		
Bedford,	6,763	2			989
Beaver,	6,670	2			1,082
Bradford,	7,197	2			555
Berks,	13,701	4			1,803
Bucks,	12,027	3	398		
Butler,	5,335	1	1,459		
Crawford,	7,516	2			236
Centre, 4,484					
Clearfield, 2,236					
	6,720	2			1,032
Columbia,	5,644	1	1,768		
Chester,	13,433	3	1,805		
Northumberland,	4,472	1	596		
Cumberland,	6,477	2			1,275
Delaware,	4,462	1	586		
Dauphin,	6,652	2			1,100
Erie,	7,285	2			467
Franklin,	7,766	2	14		
Fayette,	7,008	2	744		
Cambria,	2,433	1			1,443
Lebanon,	4,901	1	1,025		
Greene,	4,277	1	401		
Huntingdon,	7,430	2			322
Indiana,	4,538	1	663		
Jefferson, 1,789					
Clarion, 3,311					
Venango, 3,157					
	8,257	2	505		
Philadelphia county,	33,562	8	2,554		
Philadelphia city,	17,559	5			1,821
Montgomery,	11,697	3	69		
York,	10,698	3			1,030
Lancaster,	18,967	5			413
Schuylkill,	8,086	2	334		
Lehigh, 6,175					
Carbon, (supposed,) 2,000					
	8,175	2	423		
Northampton, 9,604					
Less Carbon, 2,000					
7,604					
Monroe, 2,374					
	9,978	3			1,650
Luzerne,	7,651	2			101
Wayne, 3,078					
Pike, 889					
	3,967	1	91		

Representative enumeration made in 1843.—*Ratio,* 3,876.—*Continued.*

Counties composing Districts.		Taxables.	No. of Members.	Excess.	Deficit.
Susquehanna, - -	4,940				
Wyoming, - - -	1,540				
		6,480	2		1,272
Tioga, - - -	-	4,091	1	215	
Lycoming, - - -	5,101				
Clinton, - - -	2,019				
Potter, - - -	681				
		7,801	2	49	
Mifflin, - - -	-	3,122	1		754
Union, - - -	5,053				
Juniata, - - -	2,459				
		7,512	2		240
Perry, - - -	-	3,989	1	113	
Somerset, - - -	-	4,428	1	552	
Mercer, - - -	-	7,356	2		396
Washington, - - -	-	9,079	2	1,327	
Westmoreland, - -	-	10,353	3		1,275
Warren, - - -	2,593				
M'Kean, - - -	1,089				
		3,682	1		194